

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

RECEIVED

HARFORD COUNTY COUNCIL

Case No. 5508
 Date Filed 7/26/05
 Hearing Date _____
 Receipt _____
 Fee \$30.00

JUL 27 2005

Shaded Areas for Office Use Only

Type of Application

- _____ Administrative Decision/Interpretation
 _____ Special Exception
 _____ Use Variance
 _____ Change/Extension of Non-Conforming Use
 _____ Minor Area Variance
 _____ Area Variance
 _____ Variance from Requirements of the Code
 _____ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5508 MAP 65 TYPE Variance

ELECTION DISTRICT 01 LOCATION 1923 Bayberry Road, Edgewood 21040

BY George and Carolyn Belton

Appealed because a variance pursuant to Harford County Ordinance 6, Sec. 10.05 to permit an enclosed porch/addition to maintain 29' from the rear lot line (35' required) in the R3/CDP district requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name George Belton Carolyn Belton Phone Number 410-676-2236

Address 1923 Bayberry Rd. Edgewood, MD 21040
 Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
 Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
 Street Number Street City State Zip Code

Attorney/Representative Patio Enclosures Inc. (contractor) Phone Number 410-760-1919

Address 224 8th Ave NW Glen Burnie, MD 21061
 Street Number Street City State Zip Code

Land Description

Address and Location of Property 1923 Bayberry Rd. Edgewood, MD 21040

Subdivision Edgewood Mead

Lot Number 494

Acreage/Lot Size 7,136 sq'

Election District 01

Zoning R3 CDP

Tax Map No. 65

Grid No. 3F

Parcel _____

Water/Sewer: Private ☐

Public ☒

List ALL structures on property and current use: SFD, Deck, Shed,

Estimated time required to present case: Twenty Minutes

If this Appeal is in reference to a Building Permit, state number No

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

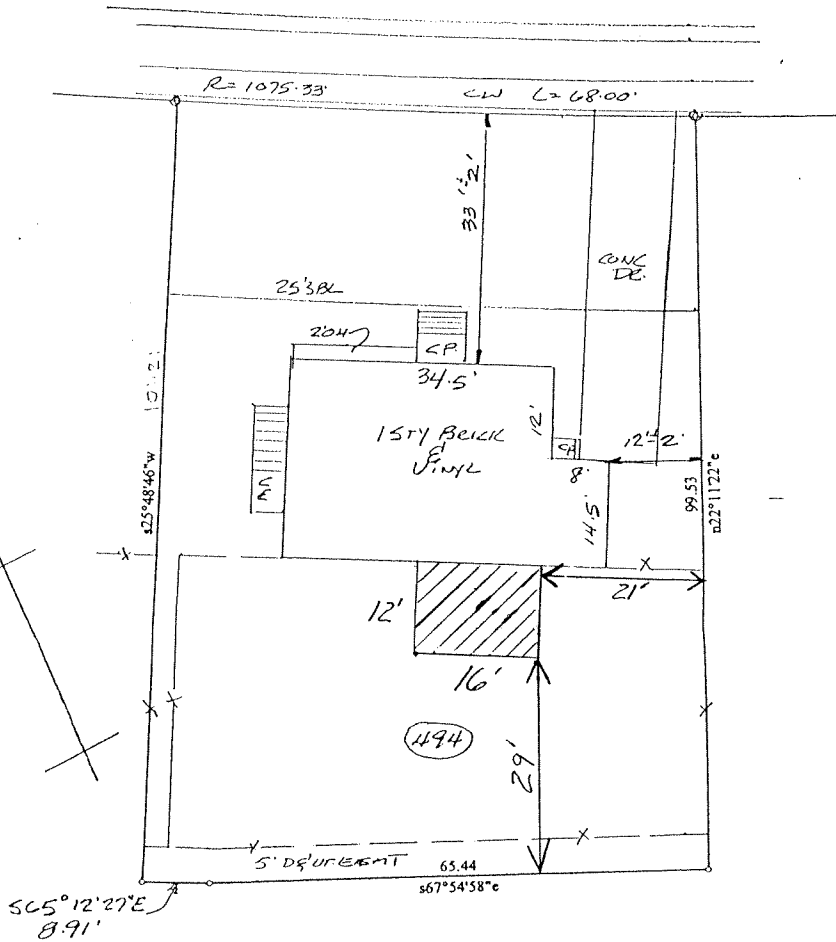
Request a variance to allow a one story, aluminum framed 16' x 12' unheated enclosed porch on an existing wood foundation on the rear of the SFD to have a rear yard setback of 29 feet in lieu of the required feet per R3 CDP zoning. (variance request of six feet)

Justification

X PROVIDE AN OUTDOOR AREA PROTECTED FROM FLIES, BEES, MOSQUITOS. ALSO PROVIDE AN OUTSIDE AREA WHILE PROVIDING PROTECTION FROM THE SUN. THIS ROOM WILL ALSO PROVIDE ADDITIONAL INSULATION FOR THE HOUSE REDUCING HEATING + A/C COSTS.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

BAYBERRY ROAD
50' R/W



Beaton
#30258
6-9-05

The plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.

THE LOT SHOWN HEREON IS IN FLOOD ZONE C PER F.E.M.A. FLOOD INSURANCE RATE MAP PANEL # 24004A0116C

1923 BAYBERRY ROAD

LOT 494-SECTION I-D REUSED

EDGEWOOD MEADOWS 20-53

HARFORD CO. MD.

SCALE

1" = 20'

DATE

11-2-04

JOB No.

14-1017

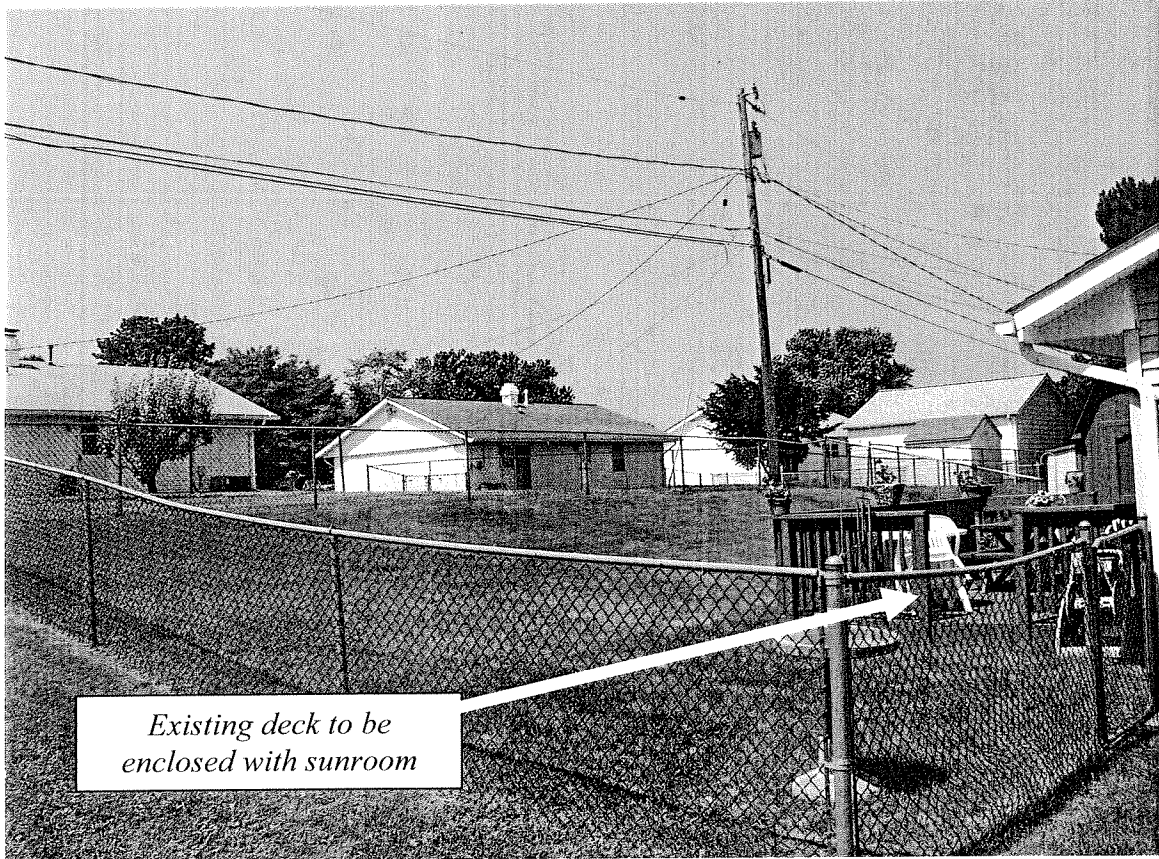
LOCATION CERTIFICATION

WITZ & ASSOCIATES
GENERAL SURVEYING CO.

1009 Frederick Road
Baltimore, MD 21228
Phone 410-869-3536
Fax 410-869-3138



*Variance Photo's for:
1923 Bayberry Rd.
Edgewood, MD*



*Existing deck to be
enclosed with sunroom*

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



ANTHONY S. McCLUNE
ACTING DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

September 6, 2005

STAFF REPORT

BOARD OF APPEALS CASE No. 5508

APPLICANT/OWNER: George Belton
1923 Bayberry Road, Edgewood, Maryland 21040

Co-APPLICANT: Carolyn Belton
1923 Bayberry Road, Edgewood, Maryland 21040

REPRESENTATIVE: Applicant and Patio Enclosures Inc. (Contractor)
224 8th Ave, NW Glen Burnie, Maryland 21061

LOCATION: 1923 Bayberry Road – Edgewood Meadows
Tax Map: 65 / Grid: 3F / Parcel: / Lot: 494
Election District: First (1)

ACREAGE: 7,136± square feet
0.164± of an acre

ZONING: R3/Urban Residential District

DATE FILED: July 20, 2005

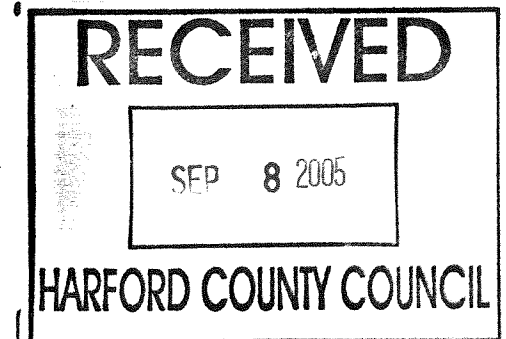
HEARING DATE: September 26, 2005

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“Request a variance to allow a one story, aluminum framed 16’ x 12’ unheated enclosed porch on an existing wood foundation on the rear of the SFD to have a rear yard setback of 29-feet in lieu of the required 35-feet per R3 CDP zoning (variance request of six feet).”

Preserving Harford's past; promoting Harford's future



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George and Carolyn Belton

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Justification:

“Provide an outdoor area protected from flies, bees, mosquitoes. Also provide an outside area while providing protection from the sun. This room will also provide additional insulation for the house reducing heating and A/C costs.”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Harford County Ordinance 6, Section 10.05 to permit an enclosed porch/addition to maintain 29-feet from the rear lot line (35-feet required) in the R3/Urban Residential District-Community Development Project (R3/ CDP).

Enclosed with the report is a copy of Ordinance 6, Section 10.05 (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located in the southern end of the County and is part of the community of Edgewood. The lot is situated on the south side of Bayberry Road across from the intersection of Harewood Road, in the development of Edgewood Meadows. A location map, a copy of the subdivision plat and a copy of the Applicant's site plan are enclosed with the report (Attachments 2, 3 and 4).

The Applicant's property is located within the Development Envelope. The predominant land use designations in this area of the County are Low, Medium and High Intensities. The Natural Features Map reflects Chesapeake Bay Critical Area, Sensitive Species Project Review Areas, Habitats of Local Significance, and stream systems. The subject property is designated as Medium Intensity, which is defined by the 2004 Land Use Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. The primary land use in the area of the subject property is residential. The subject lot was recorded and developed

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George and Carolyn Belton

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in 1968 (see Attachment 3). Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The Applicant's lot is located on the south side of Bayberry Road in the single-family portion of Edgewood Meadows. The lot is square in shape and is 6697 square feet in size. The topography of this small lot rises up gently from the road to the front of the house, leveling off in the area of the house. To the rear of the house it rises more sharply to the rear lot line. The topography then levels off again on the lot adjoining to the rear. Improvements consist of a brick and frame single-family ranch dwelling with a small addition on the left side at the end of the driveway. Other improvements include a concrete driveway, a deck attached to the rear of the dwelling, and frame shed located to the right and rear of the dwelling next to the deck. The rear yard is fenced by a chain link fence. The property is nicely landscaped and all improvements appear to be well maintained. A topography map, site photographs and an enlargement of the aerial photograph are enclosed with the report (Attachments 8, 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The residential zoning south of I-95 includes R1, R2, R3 and R4/Urban Residential Districts. Commercial zoning within the community includes B1/Neighborhood Business and B2/Community Business Districts. The subject property is zoned R3/Urban Residential District – Community Development Project (R3/CDP) as shown on the enclosed zoning map (Attachment 11).

SUMMARY:

The Applicants are requesting a variance pursuant to Harford County Ordinance 6, Section 10.05 to permit an enclosed porch/addition to maintain 29-feet from the rear lot line (35-feet required) in the R3/Urban Residential District-Community Development Project (R3/URD-CDP).

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the applicants have not provided sufficient justification to support the requested variance. The lot is similar in shape, size and topography to the other lots in the neighborhood.

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RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be denied.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf